



Western Australia

Age of Majority Act 1972

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at 22 August 2003**

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Defined terms



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Age of Majority Act 1972

An Act to amend the law relating to the age of majority; to make certain consequential amendments to several Acts; to repeal the *Housing Advances (Contracts with Infants) Act 1968*; and for incidental and other purposes ².

1. Short title

This Act may cited as the *Age of Majority Act 1972* ¹.

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation ¹.

3. Interpretation

In this Act, unless the contrary intention appears —

commencing day means the date fixed by proclamation under section 2 to be the date on which this Act comes into operation;

enactment means —

- (a) an Act or a provision of an Act; and
- (b) an Imperial Act that applies in the State or a provision of such an Imperial Act,

and includes a regulation, rule, local law, by-law, order in Council, proclamation, notice or other like document made or issued in the exercise of a power conferred by an Act, or by an Imperial Act, or by such a provision;

instrument means any written document of whatsoever nature, not being —

- (a) an enactment; or
- (b) a law of the Commonwealth or of a State other than this State, or any document made or having effect under such a law;

laws of the State does not include any law of the Commonwealth or any document made or having effect under such a law.

[Section 3 amended: No. 14 of 1996 s. 4.]

4. Attainment of a particular age

- (1) For all the purposes of the laws of the State, the time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.
- (2) This section has effect only where the relevant anniversary falls on the commencing day or on a subsequent day.

5. Persons of age of 18 years or more to have full legal capacity

- (1) Subject to the succeeding provisions of this section, for all the purposes of the laws of the State —
 - (a) a person who, on or after the commencing day, attains the age of 18 years attains full age and full capacity on attaining that age; and
 - (b) a person who, on the commencing day, is of or over the age of 18 years but under the age of 21 years attains full age and full capacity on that day.
- (2) Subsection (1) applies and has effect, in the absence of a definition or of an indication of a contrary intention, for the purposes of the construction of the expressions “majority”, “full age”, “adult”, “full capacity”, “*sui juris*”, and similar

- expressions, and the expressions “infant”, “infancy”, “minor”, “nonage”, “minority”, and similar expressions in —
- (a) an enactment, whether passed or made before, on, or after the commencing day; and
 - (b) an instrument executed or made on or after that day.
- (3) This section does not apply so as to affect the operation or construction of any reference in an enactment or instrument to an age expressed in years.
- (4) This section does not affect any deficiency of juristic competence or capacity that is attributable to insanity, or mental infirmity, or any other factor distinct from age.
- (5) For the purposes of subsection (2)(b) and notwithstanding any rule of law, a will or codicil executed before the commencing day shall not be treated as made on or after that day by reason only that the will or codicil is confirmed by a codicil executed on or after that day.
- (6) Any order or direction in force immediately before the commencing day made pursuant to any enactment relating to the control of money recovered by or otherwise payable to a minor in any proceedings or as a result of the compromise or settlement of any claim for money or damages, shall have effect as if any reference to the minor’s attaining the age of 21 years or full age, however expressed, were a reference to his attaining the age of 18 years, or in relation to a person who by virtue of subsection (1)(b) attains full age on the commencing day, to that day.
- (7) This section does not apply so as to affect the operation or construction of —
- (a) any industrial award, order, determination or agreement;
 - (b) any instrument made or entered into pursuant to any enactment prescribing wages and other conditions of or relating to apprenticeship;

- (c) any provisions of any enactment governing or relating to conditions of employment or rights or obligations arising from employment.
- (8) Nothing in this Act shall affect any estate, right or interest in any real or personal property to which any person has become absolutely entitled whether beneficially or otherwise, before the commencing day.
- (9) This Act, other than section 4, shall not affect the construction of any enactment where the enactment is incorporated in and has effect as part of any instrument, the construction of which is not affected by this Act, other than section 4.
- (10) Nothing in this Act or in any amendment made by section 5 affects the time for bringing proceedings in respect of a cause of action that arose before the commencing day.
- (11) Subsection (10) is deemed to have come into operation on 1 November 1972.

[Section 5 amended: No. 33 of 1973 s. 2.]

[6. *Omitted under the Reprints Act 1984 s. 7(4)(e) and (f).]*

[Schedule omitted under the Reprints Act 1984 s. 7(4)(e).]

Notes

- ¹ This reprint is a compilation as at 22 August 2003 of the *Age of Majority Act 1972* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Age of Majority Act 1972</i>	46 of 1972	18 Sep 1972	1 Nov 1972 (see s. 2 and <i>Gazette</i> 13 Oct 1972 p. 4069)
<i>Age of Majority Act Amendment Act 1973</i>	33 of 1973	9 Oct 1973	1 Nov 1972 (see s. 2)
Reprint of the <i>Age of Majority Act 1972</i> approved 24 Jun 1981 (includes amendments listed above)			
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
Reprint 2: The <i>Age of Majority Act 1972</i> as at 22 Aug 2003 (includes amendments listed above)			

- ² The provisions in this Act amending other Acts and repealing the *Housing Advances (Contracts with Infants) Act 1968* have been omitted under s. 7(4)(e) and (f) of the *Reprints Act 1984*.

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
commencing day	3
enactment	3
instrument	3
laws of the State	3